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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,428	11/02/2006	David Bryant	CTCPCT001-4-US	9322
74119 7590 05/21/2008 Brownstein Hyatt Farber Schreck, LLP 410 Seventeenth Street Suite 2200 Denver, CO 80202				
EXAMINER				
NGUYEN, CHAU N				
ART UNIT		PAPER NUMBER		
2831				
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05/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/595,428

**Applicant(s)**

BRYANT, DAVID

**Examiner**

Chau N. Nguyen

**Art Unit**

2831

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28 and 30-44 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does not provide support for "a dead end fitting that comprises an aluminum housing that couples with one or more fittings to electrically connect a conductor of a first cable with a conductor of a second cable".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 28, 32, 35, 36, and 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Seufert et al. (1,539,962).

Seufert et al. discloses a fitting comprising: a collet (20) comprised of one or more sections that form a truncated conical shape, the truncated conical shape defining an exterior of the collet, the shape of the collet comprising an outer diameter that increases from a first end to a second end creating an outside slope to slide within a collet housing, the collet further comprising a concentrically oriented lumen, the lumen having a length and a substantially constant interior radius (21) along the length to receive the composite core, the composite core having a structure to fit the lumen, the lumen configured and dimensioned to frictionally engage the composite core for the length of the lumen; the interior radius of the lumen configured and dimensioned to maintain the structure of the composite core, and a collet housing (17) having a first open end to allow the collet to fit into the collet housing and a second open end (19) having a smaller internal diameter than the first open end, the housing having a funnel-shaped interior (18) configured and dimensioned to fit the outside slope of the collet to enable the collet to slide into the collet housing, the funnel shaped interior of the housing configured and dimensioned to apply increasing compressive forces to the exterior of the collet as the collet is further compressed into the collet housing (re claim 28). Seufert et al.

also that the collet housing comprises a rigid material that enables the collet housing to retain its shape when tension is applied to the composite core and the collet is pulled into the collet housing (re claim 32), the fitting further comprises a connecting element (14) that couples two or more fittings together to form a splice (re claim 35), and the fitting further comprises a connector for operably engaging the fitting to a structure to form a dead-end (Figures 2-5) (re claim 36). Seufert et al. also discloses a dead end fitting for a core of an electrical power cable, comprising a connecting device for operably engaging the dead end fitting and a support structure (not shown), a collet housing (11) operable with the connecting device, the housing defining a funnel shaped interior, the funnel shaped interior defining a first open end (15) configured to receive a conical shaped collet (17) and a second open end (conical 16) configured and dimensioned to seat a tapered end of the conical shaped collet and to receive a length of composite core; and the conical shaped collet (17) comprised of one or more sections that form a tapered conical shape, the conical shape configured to fit within the funnel shaped interior of the collet housing, the collet defining a concentrically oriented lumen for receiving and frictionally engaging the core, the lumen defining an interior radius (19) configured and dimensioned having a substantially constant diameter to substantially conform to an outer shape and size of the core, the interior of the

lumen configured and dimensioned to maintain the outer shape and size of the core (re claim 38), a compression element (not numbered, see Figure 4, the compression element that engages with the first open end of the collet housing 11) (re claim 39), the second end of the collet housing is configured and dimensioned to allow the tapered end of the collet to extend beyond the second end of the collet housing (the tapered end of the collet 17 extending beyond the second end of the collet housing 11, see Figures 4-5) (re claim 40), and the collet housing comprises a rigid material that enables the collet housing to retain its shape when tension is applied to the composite core and the collet is pulled into the collet housing (re claim 41).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 33, 34, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seufert et al. in view of Vockroth (3,384,704).

Seufert et al. discloses the invention substantially as claimed except for the collet comprising at least two sections of equal size and shape that fit together to

form the collet. Vockroth discloses a fitting comprising collet (6) being composed of at least two sections of equal size and shape that fit together to form the collet. It would have been obvious to one skilled in the art to modify the collet of Seufert et al. to comprise of at least two sections of equal size and shape that fit together to form the collet as taught by Vockroth to ease the step of providing the collet around the core since the collet can be provided around the core without threading the core end through the collet.

7. Claims 30, 31, 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seufert et al. in view of Berndt (2,988,727).

Seufert et al. discloses the invention substantially as claimed except for an implement that engages with the first open end of the collet housing to enable connection to a second collet housing and acts to drive the collet into the collet housing to initiate compression of the collet against the core. Berndt discloses a fitting comprising an implement (25, 27) to drive the a collet (20) into a housing (13) to compress a core. It would have been obvious to one skilled in the art to include the implement as taught by Berndt in the fitting of Seufert et al., with the implement engaging the first open end of the collet housing, to drive the collet into the collet housing to compress the core. Berndt also discloses an aluminum

housing (12) that couples with one or more fittings to electrically connect a conductor of a first cable to a conductor of a second cable. It would have been obvious that instead of using sections 10 and 11 and nut 14, one skilled in the art would use the aluminum housing as taught by Berndt to couple the fittings of Seufert et al. together to ease the step of connecting the two fittings.

### ***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).



9. Claims 28 and 30-37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 8, and 9 of U.S. Patent No. 7,019,217 in view of Seufert et al. Patent '217 discloses a collet, a collet housing, an implement, a connecting element, and an aluminum housing. Patent '217 does not disclose the lumen having a length and a substantially constant interior radius along the length nor the collet not being forcibly pulled through the second end of the collet housing. Seufert et al. discloses a fitting comprising a collet (17 or 20) having a lumen with a length and a substantially constant interior radius (19 or 21) along the length and the collet not being forcibly pulled through the second end of a collet housing (collet 20 not being pulled through collet housing 17). It would have been obvious to one skilled in the art to provide the lumen of Patent '217 with a substantially constant interior radius along the length and to keep the collet within the collet housing as taught by Seufert et al. to provide smooth contact between the collet and the core and to keep the core within the collet housing.

***Allowable Subject Matter***

10. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments filed 3/21/2008 have been fully considered but they are not persuasive.

Applicant argues that Seufert et al. Fails to teach a collet having a lumen defined by an interior radius, "the interior radius of the lumen configured and dimensioned to maintain the structure of the composite core". Applicant states that the conical shape 18 is inserted in the interior end of the sleeve 17, and the conical shape cone is designed to splay the inner core when compressive pressure is applied to the part. Examiner disagrees because the conical shape 18 does have a lumen defined by an interior radius (21) which maintains the structure of the core when compressive pressure is applied to the part. Likewise, the conical shape 17 of the dead end fitting of Seufert et al. does have a lumen that is configured and dimensioned to maintain the outer shape and size of the core.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutiérrez can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chau N Nguyen/

Chau N Nguyen  
Primary Examiner  
Art Unit 2831